[PROPOSED] ORDER RE: RENEWED APPLICATION TO SEAL

3:20-cv-05792-JD; 3:21-cv-05227-JD

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Limited, Google Commerce Ltd., and Google Asia Pacific Pte. Ltd. (collectively, "Google") filed a Renewed Application to Seal (*In re Google Play Store Antitrust Litigation*, Case No. 3:21-md-02981-JD, ECF Nos. 62, 63, 65; *In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761-JD, ECF No. 185; *In re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD, ECF No. 128; *State of Utah et al. v. Google LLC et al.*, Case No. 3:21-cv-05227-JD, ECF No. 93) pursuant to Civil Local Rules 7-11 and 79.5.

On August 20, 2021, Defendants Google LLC, Google Payment Corp., Google Ireland

Having considered Defendant Google's Renewed Application to Seal, the Declaration of Christian Cramer submitted in support thereof ("Cramer Decl."), and all other matters presented, and having determined that pursuant to Ninth Circuit precedent, compelling reasons exist for sealing this information (*see Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006), **IT IS HEREBY ORDERED THAT:** 

Google's Application is GRANTED and the identified portions of the documents listed below shall remain under seal as set forth in the following table:

Document	Information sought to be sealed	Reason for Sealing	Ruling			
ST	STATE ATTORNEY GENERALS' COMPLAINT					
CONFIL	DENTIAL NON-PUBLIC FIN	ANCIAL INFORMATIO	N			
Utah v. Google LLC, Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 183, page 59, line 18 (between "made up" and "of overall" on line 19), and line 19 (beginning after "totaled some") to the end of the paragraph.	Contains non-public financial revenue and revenue ratio information about individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 8).				

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1 2 3 4 5 6 7 8 9	Utah v. Google LLC, Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 186, page 60, line 14 (between "collected" and "in overall"), line 14 (between "booked" and "in 'Gross Profit""), line 15 (between "and" and "in 'Operating Income"), and line 15 (between "over" and "that combines").	Contains non-public information regarding revenue and profit margins for individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 9).	
10	CONFIDE	NTIAL DEAL TERMS AND O	FFERS TO THIRD PAR	TIES
11 12 13 14 15 16 17 18 19 20	Utah v. Google LLC, Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 111, page 39, line 1 (beginning after "stated that") to the end of the sentence on line 2 (ending before "One key"), line 3 (beginning after "was") to the end of the sentence on line 3 (ending before "In response"), and line 4 (beginning after "among other things, to" to the end of the sentence on line 5, excluding "(emphasis in original)."	Contains non-public information regarding confidential business strategies with respect to potential contractual counterparties and, in particular, specific proposed terms of a contract with a business counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (see Cramer Decl., ¶ 10).	
20 21 22 23 24 25 26 27	Utah v. Google LLC, Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 129, page 43, line 20 (after "approximately") to the end of the sentence on line 21.	Contains non-public information regarding spend data for individual Google business lines and initiatives which, if revealed to competitors or counterparties, could cause competitive harm to Google. (see Cramer Decl., ¶ 11).	

1 2	Utah v. Google LLC, Case No. 3:21-cv-	Paragraph 132, page 44, line 22 (between "primarily" and	Contains non-public information revealing	
3	05227-JD, ECF 1 (Ex. A to Cramer	"as a solution").	the counterparties to confidential	
4	Decl.)		contractual arrangements with	
5			Google which, if revealed to	
6			competitors or counterparties, could	
7			cause competitive	
8			harm to both Google and the third parties.	
9			(see Cramer Decl., ¶ 12).	
10	Utah v. Google LLC,	Paragraph 136, page 46, line	Contains non-public	
11	Case No. 3:21-cv- 05227-JD, ECF 1	16 (beginning after "would") to line 17 (ending before	information regarding a confidential business	
12	(Ex. A to Cramer Decl.)	"At"), line 24 (beginning after "using a") to line 25	strategy and terms offered during	
13	Deci.)	(ending before "(Google	negotiations with a	
14		offered"), and line 25 (beginning after "Samsung	potential contractual counterparty which, if	
15 16		would") to the end of the paragraph on line 26.	revealed to competitors or	
17			counterparties, could cause competitive	
18			harm to Google. (see Cramer Decl., ¶ 13)	
19	Utah v. Google LLC,	Paragraph 136, page 46, line	Contains non-public	
20	Case No. 3:21-cv- 05227-JD, ECF 1	12 (between "up to" and "in	information regarding a confidential business	
21	(Ex. A to Cramer	return").	strategy and terms	
22	Decl.)		offered during negotiations with a	
23			potential contractual counterparty which, if	
24			revealed to competitors or	
25			counterparties, could	
26			cause competitive harm to Google. (see	
27			Cramer Decl., ¶ 14).	

1 2 3 4 5 6 7 8 9	Utah v. Google LLC, Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 137, page 47, line 15 (between "proposed the" and "were too low").	Contains non-public information regarding terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (see Cramer Decl., ¶ 15).	
10	Utah v. Google LLC, Case No. 3:21-cv-	Paragraph 139, page 48, line 7 (beginning after	Contains non-public information regarding	
11	05227-JD, ECF 1	"According to Google, the")	terms offered during	
12	(Ex. A to Cramer Decl.)	to line 9 at the end of the sentence.	negotiations with a potential contractual	
13			counterparty which, if revealed to	
14			competitors or counterparties, could	
15			cause competitive harm to both Google	
16			and the third party.  (see Cramer Decl., ¶	
17			16).	
18	Utah v. Google LLC,	Paragraph 140, page 48, line	Contains non-public	
19	Case No. 3:21-cv- 05227-JD, ECF 1	10 (beginning at the start of the paragraph and ending	information regarding a confidential business	
20	(Ex. A to Cramer Decl.)	before "was the offer"), line 11 (starting after "revenues	strategy and terms offered during	
21		for") to line 12 at the end of	negotiations with a	
22		the sentence (ending before "That proposal").	potential contractual counterparty which, if	
23			revealed to competitors or	
24			counterparties, could cause competitive	
25			harm to Google. (see	
26			Cramer Decl., ¶ 17).	

1 2 3 4 5 6 7 8 9	Utah v. Google LLC, Case No. 3:21-cv- 05227-JD, ECF 1 (Ex. A to Cramer Decl.)	Paragraph 141, page 48, line 15 (beginning at the start of the paragraph and ending at "also included"), line 15 (beginning after "to provide a" and ending at "to Samsung"), line 16 (beginning after "use to") to line 17 (ending at "would include"), line 17 (beginning after "the following") to the end of the sentence on line 19 (ending before "Any app").	Contains non-public information regarding a confidential business strategy and terms offered during negotiations with a potential contractual counterparty which, if revealed to competitors or counterparties, could cause competitive harm to Google. (see Cramer Decl., ¶ 18).	
10	Utah v. Google LLC, Case No. 3:21-cv-	Paragraph 148, page 51, figure 5 (names of	Contains non-public information revealing	
11	05227-JD, ECF 1	contractual counterparties).	the counterparties to confidential	
12	(Ex. A to Cramer Decl.)		contractual	
13			arrangements with Google which, if	
14			revealed to competitors or	
15			counterparties, could cause competitive	
16 17			harm to both Google and the third parties.	
18			(see Cramer Decl., ¶ 19).	
19	Utah v. Google LLC,	Paragraph 149, page 51, line	Contains non-public	
20	Case No. 3:21-cv- 05227-JD, ECF 1	20 (between "developer" and "from following").	information regarding an agreement between	
21	(Ex. A to Cramer	nom ronowing j.	Google and a third	
22	Decl.)		party which, if revealed to	
23			competitors or counterparties, could	
24			cause competitive harm to both Google	
25			and the third party.  (see Cramer Decl., ¶	
26			(see Cramer Deci., ¶ 20).	

1	CONFIDENTIAL INTERNAL ANALYSES THAT COULD CAUSE			
2	CONTID	GOOGLE ECONOM		
3	Utah v. Google LLC,	Paragraph 192, page 61, line	Contains non-public	
4	Case No. 3:21-cv- 05227-JD, ECF 1	14 (between "suggested that a" and "commission").	information regarding confidential business	
5	(Ex. A to Cramer Decl.)		strategies with respect to pricing decisions	
6			which, if revealed to competitors or	
7			counterparties, could	
8			cause competitive harm to Google. (see	
9			Cramer Decl., ¶ 21).	
10	DEVELOPERS' FIRST AMENDED CONSOLIDATED CLASS ACTION COMPLAINT			
11	CONFI	DENTIAL NON-PUBLIC FIN	IANCIAI INFORMATIO	$\mathbf{N}$
12				
13	In re Google Play Developer Antitrust	Paragraph 86, page 29, line 4 (between "Samsung made"	Contains non-public information regarding	
14	1 T	and "in revenue"), line 5	Play revenue data as	
· . II	Litigation, Case No. 3:20-cv-05792-JD,			
15	3:20-cv-05792-JD, ECF 129 (Ex. B to	(between "Google had made" and "in sales"), and	well as Google's estimate of a	
	3:20-cv-05792-JD,	(between "Google had	well as Google's estimate of a competitor's revenue which, if revealed to	
15	3:20-cv-05792-JD, ECF 129 (Ex. B to	(between "Google had made" and "in sales"), and line 6 (between "Store had	well as Google's estimate of a competitor's revenue which, if revealed to competitors or counterparties, could	
15 16	3:20-cv-05792-JD, ECF 129 (Ex. B to	(between "Google had made" and "in sales"), and line 6 (between "Store had	well as Google's estimate of a competitor's revenue which, if revealed to competitors or	
15 16 17	3:20-cv-05792-JD, ECF 129 (Ex. B to	(between "Google had made" and "in sales"), and line 6 (between "Store had	well as Google's estimate of a competitor's revenue which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party, and	
15 16 17 18	3:20-cv-05792-JD, ECF 129 (Ex. B to	(between "Google had made" and "in sales"), and line 6 (between "Store had	well as Google's estimate of a competitor's revenue which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party, and which could also cause confusion for investors.	
15 16 17 18 19	3:20-cv-05792-JD, ECF 129 (Ex. B to	(between "Google had made" and "in sales"), and line 6 (between "Store had	well as Google's estimate of a competitor's revenue which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party, and which could also cause	

1 2 3 4 5 6 7 8	In re Google Play Developer Antitrust Litigation, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 170, page 60, line 15 (from beginning of line to before "and today") and line 16 (between "at just" and "On another occasion").	Contains non-public information regarding Play costs which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 24).	
9 10 11 12 13 14 15 16	In re Google Play Developer Antitrust Litigation, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 176, page 61, line 23 (between "scale at" and "people in"), line 24 (between "larger at" and "Revenue per head"), and line 25 (between "gone from" and " but the way").	Contains non-public information regarding revenues and headcount for individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 25).	
17 18 19 20 21 22 23 24	In re Google Play Developer Antitrust Litigation, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 180, page 62, footnote 122, line 26 beginning after "figures are" and ending before "as noted," and line 26.5 after "processing costs at" to the end of the sentence.	Contains non-public information regarding costs which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 26).	

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2	In re Google Play Developer Antitrust Litigation, Case No.	Paragraph 197, page 67, line 24 (beginning after "noted above") to the end of the	Contains non-public information regarding costs which, if revealed	
3	3:20-cv-05792-JD, ECF 129 (Ex. B to	sentence on line 26 (ending before "These companies").	to competitors or counterparties, could	
4	Cramer Decl.)	1 /	cause competitive harm to Google, and	
5			which could also cause	
6			confusion for investors. (see Cramer Decl., ¶	
7			27).	
8	CONFIDE	NTIAL DEAL TERMS AND O	FFERS TO THIRD PAR	eties .
9	In re Google Play Developer Antitrust	Page 26, footnote 63, line 23 (between "between" and	Contains non-public information regarding	
10	Litigation, Case No.	"and"), line 23.5 (after	a confidential	
11	3:20-cv-05792-JD, ECF 129 (Ex. B to	"Google") to line 24 (before "Google"), line 24 (after	agreement with a counterparty which, if	
12	Cramer Decl.)	"will pay") to line 24.5 (before "to"), line 25.5	revealed to competitors or counterparties, could	
13		(between "from the" and	cause competitive	
14		"that").	harm to both Google and the third party. (see	
15			Cramer Decl., ¶ 28).	
16				
17	In re Google Play	Paragraph 77, page 26, line	Contains non-public	
18	Developer Antitrust Litigation, Case No.	11 (beginning after "approximately" and ending	information regarding confidential business	
19	3:20-cv-05792-JD, ECF 129 (Ex. B to	before "The numbers").	strategies and the terms of confidential	
20	Cramer Decl.)		agreements with	
21			counterparties which, if revealed to competitors	
22			or counterparties, could cause competitive	
23			harm to both Google	
24			and the third parties. (see Cramer Decl., ¶	
25			29).	
26				

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1 2 3 4 5 6 7	In re Google Play Developer Antitrust Litigation, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 93, page 31, line 16 (between "Samsung" and "including").	Contains non-public information regarding a confidential agreement with a counterparty which, if revealed to competitors or counterparties, could cause competitive harm to both Google and the third party. (see Cramer Decl., ¶ 30).	
8 9	CONFID	ENTIAL INTERNAL ANALY GOOGLE ECONOM		VSE
10 11 12 13 14	In re Google Play Developer Antitrust Litigation, Case No. 3:20-cv-05792-JD, ECF 129 (Ex. B to Cramer Decl.)	Paragraph 174, page 61, line 14 (between "set at" and "But for").	Contains non-public information regarding pricing which, if revealed to competitors or counterparties, could cause competitive harm to Google. (see Cramer Decl., ¶ 31).	
15 16	СО	NSUMERS' FIRST AMENDE CLASS ACTION CO		
17	CONFI	DENTIAL NON-PUBLIC FIN	ANCIAL INFORMATIO	DN
18 19 20 21 22 23 24 25	In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 82, page 19, line 4 (between "revenues of" and "accounting") and line 4 (between "for over" and "percent").	Contains non-public information regarding revenue for an individual Google business line which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 33).	

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1 2 3 4 5 6 7 8 9	In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 88, page 20, line 25 (between "made around" and "in revenue") and line 26 (between "made around" and "in sales").	Contains non-public information regarding Play revenue data as well as Google's estimate of a competitor's revenue which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 34).	
11 12 13 14 15 16 17	In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 138, page 31, line 19 (between "more than" and "per year").	Contains non-public information regarding costs for individual Google business lines which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 35).	
18 19 20 21 22 23 24 25 26	In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD, ECF 132 (Ex. C to Cramer Decl.)	Paragraph 193, page 44, line 7 (between "than the" and "revenue share").	Contains non-public information regarding costs and profit margins for an individual Google business line which, if revealed to competitors or counterparties, could cause competitive harm to Google, and which could also cause confusion for investors. (see Cramer Decl., ¶ 36).	

1	CONFIDENTIAL DEAL TERMS AND OFFERS TO THIRD PARTIES			
2				
3	In re Google Play	Paragraph 87, page 20, line	Contains non-public	
4	Consumer Antitrust Litigation, Case No.	20 (between "among other things" and "as well"), and	information regarding confidential business	
5	3:20-cv-05761-JD, ECF 132 (Ex. C to	line 20 (beginning after "as well as") to the end of the	strategies with respect to potential contractual	
6	Cramer Decl.)	paragraph on line 22.	counterparties and, in	
7			particular, specific proposed terms of a	
8			contract with a business counterparty	
9			which, if revealed to competitors or	
10			counterparties, could	
11			cause competitive harm to both Google	
12			and third parties. (see Cramer Decl., ¶ 37).	
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14				
15		D 1 100 25 1	G	
16	In re Google Play Consumer Antitrust	Paragraph 109, page 25, line 13 (beginning after	Contains non-public information regarding	
17	Litigation, Case No. 3:20-cv-05761-JD,	"services") to the end of line 16.	the terms of confidential	
18	ECF 132 (Ex. C to Cramer Decl.)		agreements with counterparties which, if	
19	Cramer Deci.)		revealed to competitors	
20			or counterparties, could cause competitive	
21			harm to both Google and the third parties.	
22			(see Cramer Decl., ¶	
23			38).	

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1	In re Google Play Consumer Antitrust	Paragraph 129, page 29, line	Contains non-public information regarding	
2	Litigation, Case No.	23 (between "Agreement with" and the end of the	the terms of a	
3	3:20-cv-05761-JD,	paragraph).	confidential agreement	
4	ECF 132 (Ex. C to Cramer Decl.)		with a counterparty which, if revealed to	
5			competitors or counterparties, could	
6			cause competitive	
7			harm to both Google and the third party. (see	
8			Cramer Decl., ¶ 39).	
9	In re Google Play Consumer Antitrust	Paragraph 134, page 30, line 22 (between "up to" and "of	Contains confidential negotiations with	
10	Litigation, Case No.	"Play") and line 22 (between	counterparties which, if	
11	3:20-cv-05761-JD, ECF 132 (Ex. C to	"up to" and "by 2023").	revealed to competitors or counterparties, could	
12	Cramer Decl.)		cause competitive harm to both Google	
13			and the third parties. (see Cramer Decl., ¶	
14			40).	
15	In re Google Play	Paragraph 187, page 42, line	Contains non-public	
16	Consumer Antitrust Litigation, Case No.	24 (beginning at "In particular") to the end of the	information regarding terms offered during	
17	3:20-cv-05761-JD, ECF 132 (Ex. C to	sentence.	negotiations with a potential contractual	
18	Cramer Decl.)		counterparty which, if	
19			revealed to competitors or counterparties, could	
20			cause competitive harm to both Google	
21			and the third party. (see Cramer Decl., ¶ 41).	
22			Cramer Deci., ¶ 41).	
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1 2	CONFIDENTIAL INTERNAL ANALYSES THAT COULD CAUSE GOOGLE ECONOMIC HARM			
3	In re Google Play	Paragraph 85, page 20, line 5	Contains non-public	
4	Consumer Antitrust Litigation, Case No.	(between "represented a	financial projections which, if revealed to	
5	3:20-cv-05761-JD,	revenue") and line 6	competitors or	
6	ECF 132 (Ex. C to Cramer Decl.)	(between "[l]oss [of]" and "of revenue").	counterparties, could cause competitive	
7			harm to Google. (see Cramer Decl., ¶ 42).	
8				
9	IT IS SO ORD	)FR FD		
10		erres.		
11	Dated:	<del></del>	orable James Donato	-
12		Unite	ed States District Judge	
13	Northern District of California			
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